

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF

Centre

M.J. Smyser

CIVIL ACTION NO.: 00-cv-00895

I, Francis M. Dougherty being duly sworn, depose and say:

(1) I am employed as Business Manager at SCI - Rockview.
I have served in that capacity since December 22, 1991.

(2) The plaintiff, TERRANCE MONTAGUE Reg. No. BZ-2761
is presently incarcerated at the said institution.

(3) The following is a listing of assets at the said institution belonging to plaintiff:

a. Prison account

1. Present balance:	\$	-6.93
2. Total amount of deposits during six months preceding the filing of the complaint:	\$	253.47
3. Average monthly balance:	\$	9.18
4. Average monthly deposits:	\$	42.25

b. Employment

1. Institution employment:	\$	54.31
2. Average monthly deposits:	\$	9.05

c. Other resources:

PERSONAL GIFTS, REFUNDS

(4) I have attached a true and correct copy of the record of the transactions of the prisoner's account which occurred within the six months preceding the filing of the complaint.

(5) The above information set forth in this affidavit is true and correct to the best of my knowledge, information and belief.

Francis M. Dougherty

Francis M. Dougherty, Business Manager

FILED
HARRISBURG

APR 04 2002

MARY E. D'ANDREA, CLERK

Per MD
DEPUTY CLERK

PA DEPT. OF CORRECTIONS
BUREAU OF COMPUTER SERVICES
REMOTE PRINT TIME 13:10

INMATE ACCOUNTS SYSTEM
PARTIAL ACCOUNT LISTING
FROM PURGE FILE

RUN IAS365
DATE 4/01/2002
PAGE 1

BATCH #	DATE MO DY YEAR	INMATE NUMBER	NAME LAST	FIRST	MI	STARTING BALANCE	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
		BZ2761	MONTAGUE	TERRANCE		18.75		
8181	06-30-2001	32	ROC COMMISSARY					
			FOR 7/02/2001				-17.70	1.05
3156	07-10-2001	41	MEDICAL					
			MEDICAL CO-PAY 7-9-01				-4.00	-2.95
3193	07-16-2001	10	MAINTENANCE PAYROLL					
			PAYROLL (JUNE)				15.12	12.17
3208	07-17-2001	39	LEGAL FEES					
			JULY COURT PYMT #00-1431				-4.01	8.16
3208	07-17-2001	39	LEGAL FEES					
			JULY COURT PYMT #99-158				-4.01	4.15
8198	07-17-2001	32	ROC COMMISSARY					
			FOR 7/17/2001				-11.73	-7.58
3299	07-27-2001	41	MEDICAL					
			CO-PAY 07-25-01				-2.00	-9.58
3347	08-06-2001	14	MISCELLANEOUS					
			REFUND MEDICAL CO-PAY (7/9)				4.00	-5.58
3347	08-06-2001	14	MISCELLANEOUS					
			REFUND MEDICAL CO-PAY (7/25)				4.00	-1.58
3347	08-06-2001	85	ADJUST RECEIPT					
		14	WRONG AMOUNT REFUND FOR CO-PAY				-4.00	-5.58
3393	08-13-2001	10	MAINTENANCE PAYROLL					
			WAGES (JULY)				15.58	10.00
3408	08-14-2001	39	LEGAL FEES					
			AUGUST COURT PAYMENT				-3.12	6.88
3408	08-14-2001	39	LEGAL FEES					
			AUGUST COURT PAYMENT				-3.12	3.76
3421	08-15-2001	41	MEDICAL					
			CO-PAY (08-13-01)				-4.00	-.24
3512	08-29-2001	41	MEDICAL					
			CO-PAY (8/27)				-2.00	-2.24
3564	09-06-2001	38	INSIDE PURCHASES					
			LIBRARY COPIES (8/31)				-2.30	-4.54
3590	09-11-2001	37	POSTAGE					
			SEPTEMBER				-5.05	-9.59
3632	09-17-2001	10	MAINTENANCE PAYROLL					
			WAGES - AUGUST 2001				20.09	10.50
3643	09-18-2001	39	LEGAL FEES					
			SEPTEMBER COURT PAYMENT				-4.02	6.48
3643	09-18-2001	39	LEGAL FEES					
			SEPTEMBER COURT PAYMENT				-4.02	2.46
8261	09-18-2001	32	ROC COMMISSARY					
			FOR 9/18/2001				-10.04	-7.58
BALANCE AFTER THESE TRANSACTIONS----->								-7.58

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INMATE ACCOUNTS SYSTEM
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INMATE NAME
NUMBER LAST
BZ2761 MONTAGUE

FIRST MI
TERRANCE

STARTING BALANCE
-7.58

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
3832	10-15-2001 10	MAINTENANCE PAYROLL SEPTEMBER 2001 WAGES	27.46	19.88
3847	10-16-2001 39	LEGAL FEES OCTOBER COURT PAYMENT	-5.49	14.39
3847	10-16-2001 39	LEGAL FEES OCTOBER COURT PAYMENT	-5.49	8.90
8290	10-17-2001 32	ROC COMMISSARY FOR 10/17/2001	-8.71	.19
3891	10-22-2001 38	INSIDE PURCHASES LIBRARY COPIES	-.70	-.51
4016	11-08-2001 41	MEDICAL CO-PAY 11-07-01	-2.00	-2.51
4031	11-13-2001 10	MAINTENANCE PAYROLL OCTOBER 2001 WAGES	21.09	18.58
4043	11-14-2001 39	LEGAL FEES NOVEMBER COURT PAYMENT	-4.22	14.36
4043	11-14-2001 39	LEGAL FEES NOVEMBER COURT PAYMENT	-4.22	10.14
8318	11-14-2001 32	ROC COMMISSARY FOR 11/14/2001	-18.55	-8.41
4065	11-16-2001 13	PERSONAL GIFT FROM BERNICE MONTAGUE #418473	100.00	91.59
4096	11-20-2001 31	OUTSIDE PURCHASES GIANT BEEF SAUSAGE CHEESE SPEC	-19.99	71.60
0	12-10-2001 82	TRANSFER OUT ROCKVIEW		
0	12-10-2001 81	TRANSFER IN CAMP HILL		
2062	12-10-2001 41	MEDICAL MEDICAL SERVICES	-2.00	69.60
0	12-10-2001 82	TRANSFER OUT CAMP HILL		
0	12-10-2001 81	TRANSFER IN ROCKVIEW		
4242	12-11-2001 39	LEGAL FEES DECEMBER COURT PAYMENT	-20.00	49.60
4242	12-11-2001 39	LEGAL FEES DECEMBER COURT PAYMENT	-20.00	29.60
8353	12-19-2001 32	ROC COMMISSARY FOR 12/20/2001	-29.49	.11
0	12-20-2001 82	TRANSFER OUT ROCKVIEW		
0	12-20-2001 81	TRANSFER IN CAMP HILL		

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PAGE 2

INMATE NUMBER	NAME LAST	FIRST	MI
BZ2761	MONTAGUE	TERRANCE	

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
2169	12-20-2001	41 MEDICAL MEDICAL SERVICES	-4.00	-3.89
0	12-20-2001	92 TRANSFER OUT CAMP HILL		
0	12-20-2001	91 TRANSFER IN ROCKVIEW		
0	12-20-2001	92 TRANSFER OUT ROCKVIEW		
0	12-20-2001	91 TRANSFER IN CAMP HILL		
2169	12-20-2001	86 ADJUST PAYMENT		
		41 POSTING ERROR	4.00	.11
2169	12-20-2001	41 MEDICAL MEDICAL SERVICES	-8.00	-7.89
0	12-20-2001	92 TRANSFER OUT CAMP HILL		
0	12-20-2001	91 TRANSFER IN ROCKVIEW		
BALANCE AFTER THESE TRANSACTIONS----->				-7.89

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INMATE ACCOUNTS SYSTEM
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BATCH #	DATE MO DY YEAR	INMATE NUMBER	NAME LAST	FIRST	MI	STARTING BALANCE
		BZ2761	MONTAGUE	TERRANCE		-7.89
BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION		
4392	01-03-2002	41 MEDICAL				
		CO-PAYS (12/31)	-4.00	-11.89		
4451	01-10-2002	14 MISCELLANEOUS				
		CO-PAY REFUND FOR 12/31 #4392	4.00	-7.89		
4465	01-14-2002	10 MAINTENANCE PAYROLL				
		WAGES - DECEMBER 2001	5.76	-2.13		
4576	01-29-2002	41 MEDICAL				
		CO-PAY (01-24-02) DENTAL	-2.00	-4.13		
4662	02-11-2002	10 MAINTENANCE PAYROLL				
		JANUARY WAGES 2002	12.96	8.83		
8046	02-15-2002	32 ROC COMMISSARY				
		FOR 2/15/2002	-8.77	.06		
4768	02-26-2002	13 PERSONAL GIFT FROM				
		BERNICE MONTAGUE #834468	25.00	25.06		
8058	02-27-2002	32 ROC COMMISSARY				
		FOR 2/27/2002	-24.90	.16		
4859	03-11-2002	10 MAINTENANCE PAYROLL				
		FEBRUARY WAGES 2002	7.20	7.36		
4865	03-12-2002	13 PERSONAL GIFT FROM				
		MONTAGUE, B #F280742	50.00	57.36		
4869	03-12-2002	39 LEGAL FEES				
		MARCH COURT PAYMENT	-11.14	46.22		
4869	03-12-2002	39 LEGAL FEES				
		MARCH COURT PAYMENT	-16.44	29.78		
4890	03-13-2002	44 ORGANIZATIONAL				
		LIFER'S PHOTO TICKETS	-3.00	26.78		
8072	03-13-2002	32 ROC COMMISSARY				
		FOR 3/13/2002	-29.71	-2.93		
5004	03-28-2002	41 MEDICAL				
		CO-PAY (3/26)	-4.00	-6.93		
				BALANCE AFTER THESE TRANSACTIONS----->	-6.93	

OFFICE OF THE CLERK

UNITED STATES COURT OF APPEALS

Marcia M. Waldron
Clerk

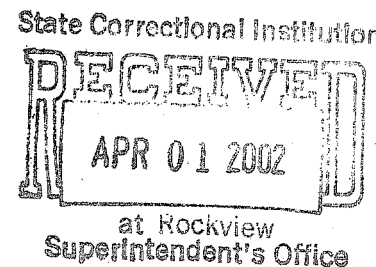
FOR THE THIRD CIRCUIT
21400 United States Courthouse
601 Market Street
Philadelphia PA 19106-1790

Telephone
267-299-4926

pacer.ca3.uscourts.gov

March 28, 2002

ATTENTION: WARDEN
Rockview SCI
P.O. Box A
Bellefonte, PA 16823



RE: Docket No. 02-1568
Terrance Montague vs. Meyers
D. C. No. 00-cv-00895

Dear Warden:

Enclosed herewith is a certified copy of an Order filed today directing the Warden to forward the initial payment assessed to the Clerk of the District Court.

Your check should be mailed to the Clerk of the District Court at the following address:

Clerk, United States District Court
228 Walnut Street
Room 1060
Harrisburg, PA 17108

Please do not send the check or money order to The United States Court of Appeals.

Very truly yours,
MARCIA M. WALDRON
Clerk


By: Carolyn Hicks, Case Manager

cc:

Terrance Montague #BZ-2761
Maryanne M. Lewis, Esq.

EPS-128

March 28, 2002

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 02-1568

Montague v. Meyers
(M.D. Pa. No. 00-cv-00895)

To: Clerk

1) Motion for Leave to Proceed In Forma Pauperis

The foregoing Motion to proceed in forma pauperis is granted. Appellant is a prisoner and seeks to proceed in forma pauperis on appeal. Appellant is required to pay the full \$105.00 fee in installments regardless of the outcome of the appeal. Appellant has completed and filed the required authorization form permitting the appropriate prison officials to assess, collect and forward to the District Court the filing and docketing fees for this appeal pursuant to 28 U.S.C. §§ 1915(b)(1) and (2). The Court hereby directs the warden or his or her designee to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to the prisoner's account; or (b) the average monthly balance in the prisoner's account for the six month period immediately preceding the filing of the notice of appeal. The warden, or his or her designee, shall calculate, collect, and forward the initial payment assessed in this order to the United States District Court for the Middle District of Pennsylvania. In each succeeding month when the amount in the prisoner's account exceeds \$10.00, the warden, or his or her designee, shall forward payments to the United States District Court for the Middle District of Pennsylvania equaling 20% of the preceding month's income credited to the prisoner's account until the fees are paid. Each payment shall reference the appellate docket number for this appeal.

This appeal will be submitted to a panel of the Court for determination under 28 U.S.C. § 1915(e)(2). The Court also will consider any other appropriate action, such as summary affirmance of the order of the District Court. See Third Circuit Internal Operating Procedures Chapter 10.6.

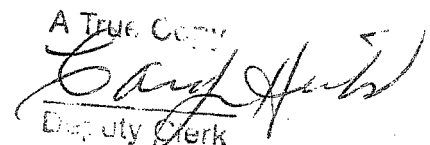
Should the appellant file in this Court for in forma pauperis in the future, the motion must be accompanied by an affidavit in the form specified by the Federal Rules of Appellate Procedure.

For the Court,



Clerk

Dated: March 28, 2002
CH/cc: Mr. Terrance Montague
Maryanne E. Lewis, Esq.

A True Copy

Deputy Clerk